

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

A. SCHULTZ, individually, and on	)	
behalf of C. CARGILL, a minor,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-19-192-D
	)	
OKLAHOMA DEPT. OF	)	
TRANSPORTATION,	)	
	)	
Defendant.	)	

**ORDER**

Upon examination of the Complaint, the Court finds that Plaintiffs’ allegations fail to establish federal subject matter jurisdiction.<sup>1</sup> The Complaint asserts negligence claims against an agency of the State of Oklahoma based on a motor vehicle accident between Plaintiff Alexandra Schultz and an agency employee, pursuant to the Oklahoma Governmental Tort Claims Act, Okla. Stat. tit. 51, § 151 *et seq.* The Complaint expressly cites the Act as the basis of jurisdiction. *See* Compl. ¶ 11.

Federal courts have limited subject matter jurisdiction, and a basis of federal jurisdiction must be affirmatively pleaded. *See* Fed. R. Civ. P. 8(a)(1). Although Plaintiffs

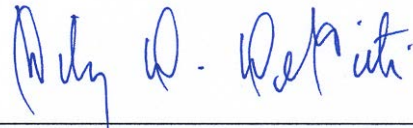
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<sup>1</sup> Federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *See Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006); *accord Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006) (“a court may *sua sponte* raise the question of whether there is subject matter jurisdiction” at any time); *see also Gad v. Kan. State Univ.*, 585 F.3d 1032, 1035 (10th Cir. 2015).

appear *pro se*, they must “follow the same rules of procedure that govern other litigants.” *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005); *accord United States v. Green*, 886 F.3d 1300, 1307 (10th Cir. 2018).<sup>2</sup> Because Plaintiffs’ asserted basis for jurisdiction is insufficient, and because no other grounds for an exercise of jurisdiction by this Court are shown by the allegations of the Complaint, the Court finds that the action must be dismissed for lack of jurisdiction

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT PREJUDICE to a future filing in an appropriate forum. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 5<sup>th</sup> day of March, 2019.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Because the Complaint is dismissed on jurisdictional grounds, the Court does not reach the issue of whether Plaintiff Alexandra Schultz can file suit on behalf of another person without an attorney.